

in the District Court of the United States for said district an information against the Mayo Milling Co., Inc., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act as amended, on or about March 21, 1923, from the State of Virginia into the State of Pennsylvania, and on or about April 4, 1923, from the State of Virginia into the District of Columbia, of quantities of corn meal, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: (Sack) "Mayo Milling Company Inc. * * * Bolted Old Process Meal * * * Richmond, Va. 100 Lbs. Net When Packed." The remainder of the said article was labeled in part: (Package) "2 Lbs. Net When Packed Old Virginia Bolted White Corn Table Meal Mayo Milling Co., Inc. Richmond, Virginia."

Examination by the Bureau of Chemistry of this department of the consignment shipped March 21, 1923, showed that it contained 15.3 per cent of moisture and that 20 sacks weighed on an average 99.1 pounds net. Examination by said bureau of 100 packages from the other consignment showed an average net weight of 1 pound and 14.84 ounces.

Adulteration of the product consigned March 21, 1923, was alleged in the information for the reason that a substance, to wit, moisture, had been mixed and packed with the article so as to lower, and reduce, and injuriously affect its quality and strength and for the further reason that a substance, to wit, excessive moisture, had been substituted for meal, which the article purported to be.

Misbranding was alleged in the information with respect to both consignments of the product for the reason that the statement, to wit, "100 Lbs. Net," borne on the sacks in one consignment, and the statement, to wit, "2 Lbs. Net," borne on the packages of the other consignment, were false and misleading in that the said statements represented that the said sacks and packages contained 100 pounds net or 2 pounds net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the sacks and packages contained 100 pounds net or 2 pounds net, as the case might be, of the article, whereas, in truth and in fact, each of said sacks and packages contained less than the amounts declared on the respective labels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12624. Adulteration and misbranding of Grogan mineral water. U. S. v. Arthur W. Canfil (Grogan Wells and Boone Institute of Massage and Canfil's Healthatorium). Plea of guilty. Fine, \$50. (F. & D. No. 11956. I. S. No. 5763-r.)

On July 19, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Arthur W. Canfil, trading as Grogan Wells and Boone Institute of Massage and as Canfil's Healthatorium, at Sweetwater, Texas, alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 1, 1919, from the State of Texas into the State of Missouri, of a quantity of Grogan mineral water which was adulterated and misbranded. The article was labeled in part: "Grogan Mineral Water * * * Grogan Wells and Boone Institute of Massage—Sweetwater, Tex."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that *B. coli* were present in small quantities of the water and that the principal dissolved mineral constituents, nitrate, chlorid, sulphate, and bicarbonate of sodium, magnesium, calcium, and iron, were present to the extent of 16.935 milligrams per liter.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, and [in] that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding was alleged in substance for the reason that certain statements appearing in the labels of the bottles containing the article, together with the design of a young warrior labeled "Grogan," standing in a position of victory over a representation of an old man labeled "Disease," with the legend borne

thereon, "Grogan Conquers Disease," falsely and fraudulently represented that the said article was effective as a treatment, remedy, and cure for rheumatism, gastro-intestinal disorders, and all liver and kidney troubles, whereas, in fact and in truth, it contained no ingredients or medicinal agents capable of producing the curative and therapeutic effects claimed.

On October 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Secretary of Agriculture.*

12625. Adulteration of frozen egg white. U. S. v. 142 Tins of Frozen Egg White. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18692. I. S. No. 13148-v. S. No. E-4843.)

On June 9, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 142 30-pound tins of frozen egg white, remaining in the original unbroken packages at Jersey City, N. J., alleging that the article had been shipped by the Beatrice Creamery Co., Philadelphia, Pa., on or about April 20, 1924, and transported from the State of Pennsylvania into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On August 7, 1924, the Fox River Butter Co., Jersey City, N. J., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

HOWARD M. GORE, *Secretary of Agriculture.*

12626. Misbranding of butter. U. S. v. 5 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18924. I. S. No. 7754-v. S. No. W-1546.)

On August 5, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of five 60-pound boxes of butter, consigned by Bradner Co., Seattle, Wash., alleging that the article had been delivered for shipment from the State of Washington into the Territory of Alaska, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "One Pound Net."

Misbranding of the article was alleged in the libel for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 5, 1924, Bradner Co., Seattle, Wash., having appeared as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, and it was further ordered by the court that the product be relabeled under the supervision of this department.

HOWARD M. GORE, *Secretary of Agriculture.*

12627. Adulteration of butter. U. S. v. 27 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18896. I. S. No. 17773-v. S. No. C-4440.)

On July 21, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 27 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Meriden Creamery Co. from Kansas City, Mo., June 28, 1924, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the food and drugs act.